



PATENT
Application Serial No. 09/717,838
Attorney Ref. No. 021US1

11-14-03
#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of)

Walter D. Gillespie)

App. Ser. No. 09/717,838)

Filed: November 21, 2000)

For: BONE GRAFT HARVESTER)

Group Art Unit: 3736

Examiner: Pamela Lynn Wingood

RECEIVED

JAN 28 2004

Office of Patent Publication
Director's Office

RECEIVED

NOV 05 2003

TECHNOLOGY CENTER R3700

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on this date:

Date: October 29, 2003

Signature: 

Printed Name: JONATHAN SPANGLER

RESPONSE TO NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Mail Stop: Issue Fee
Alexandria, VA 22313-1450

RECEIVED
JAN 28 2004
CUSTOMER SERVICE
PUBLISHING DIVISION

Dear Sir or Madam:

In response to a Notice of Abandonment mailed on September 15, 2003, having a two month period for timely response under 37 CFR 1.181(f) which expires November 15, 2003, the applicant respectfully submits the following:

- (A) A copy of the Notice of Abandonment (2 pgs);
- (B) A Petition to Withdraw Holding of Abandonment (2 pgs); including:
 - (i) Exhibit A "Issue Fee Transmittal Form mailed July 10, 2003" (1 pg); and
 - (ii) Exhibit B "Return Receipt Postcard" evidencing receipt by the US Patent and Trademark Office of the Fee Transmittal Form on July 16, 2003. (1 pg).

Pursuant to 37 CFR 1.181(a), and as indicated in Section 711.03(c) of the Manual of Patent Examining Procedure, no fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged or payments to be credited, the applicant hereby request that any charges or credits be made to Deposit Account No.: 502040 for Customer No.: 30328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
NUVASIVE, INC.

By: _____

Jonathan Spangler, Esq.
Registration No. 40,182

10065 Old Grove Road
San Diego, CA 92131
Tel.: (858) 243-0029

October 29, 2003